

REMARKS

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments and the following remarks.

The Examiner has rejected claims 15, 17, and 18 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,661,326 to Wilson.

Claims 15, 17 and 18 have been amended to overcome this rejection. In particular, claims 15, 17 and 18 include the method for presenting and depositing a base comprising at least two sets of protrusions extending in a substantially vertical direction and at least two sets of protrusions extending in a substantially horizontal manner when the base is deposited on a surface. This method is not shown in Wilson and the features of the present invention are also not shown in Wilson.

This feature is important because it allows the base containing the insecticide to be spaced apart from the appropriate surface.

The Examiner has rejected claims 15-18 under 35 U.S.C. 102(b) as being anticipated by Alvarez.

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Claims 15 and 18 have been amended to include the step of presenting a base having an element including least two sets of protrusions extending in a substantially vertical direction and at least two sets of protrusions extending in a substantially horizontal direction.

Since claims 16 and 17 depend from claim 15 the applicant believes that claims 16 and 17 are patentable as well.

In this case, Alvarez also does not disclose a process for depositing a base wherein the base has two sets of protrusions extending in a substantially vertical manner and two sets of protrusions extending in a substantially horizontal manner to keep the indentations spaced apart a sufficient distance to allow insects access to insecticide. Instead, Alvarez discloses a system for locking the device to a surface using a fastening member "F".

Thus, the applicant believes that claims 15-18 are patentable over the above reference to Alvarez.

The Examiner has rejected claims 15-18 under 35 U.S.C. 102(b) as being anticipated by Pence.

As stated above claims 15 and 18 are directed towards a method for presenting and depositing a base having at least two

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protrusions extending in a substantially vertical direction and at least two protrusions extending in a substantially horizontal direction. This method is not disclosed in Ponce. In contrast, Ponce discloses a device for eradicating snails wherein this device includes three protrusions extending in substantially a vertical direction but no protrusions extending in a substantially horizontal direction. With Ponce, the device can be inserted into the ground but it is not deposited onto a surface as described in the above identified invention.

Thus, the applicant believes that claims 15 and 18 as amended and claims 16 and 17 which depend from claim 16 are patentable.

The Examiner has rejected claims 15, and 17 as being anticipated by Bernard. Bernard does not disclose a method for presenting insecticide wherein the device discloses at least two sets of protrusions extending out in a substantially vertical direction and at least two sets of protrusions extending out in a substantially horizontal direction. In addition, this method includes using an elongated indentation for receiving and presenting the insecticide wherein this indentation is disposed on the surface of the housing. Bernard discloses a substantially triangular shaped device that does not include the protrusions designed to keep the indentations off of an adjacent surface when the base is deposited on the surface as described above.

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The Examiner has rejected claim 16 under 35 U.S.C. 103 as being anticipated by either Wilson, Alvarez, or Pence in view of Spragins or Ferland. The applicant believes that since claim 16 depends from claim 15 and that since claim 15 has been amended to overcome the references to Wilson, Alvarez, or Pence the applicant believes that claim 16 is patentable as well in view of the above cited references taken either singly or in combination.

In addition, new claim 19 has been added. In particular, claim 19 is directed towards a device for presenting insecticide which includes a plurality of spacing elements including:

at least two sets of spacing elements that extend in a substantially vertical manner and at least two sets of spacing elements that extend in a substantially horizontal manner to keep said insecticide off of, and spaced away from a corresponding adjacent substantially horizontal or vertical surface..

Support for these spacing elements is shown in the drawings in FIGS. 1A-1D and also disclosed in the specification on page 6 wherein the protrusions or spacing elements are used to keep the body of the device away from a particular surface.

Since the references cited by the Examiner do not show this feature, the applicant believes that the present invention as

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claimed in claim 19 is patentable over these references.

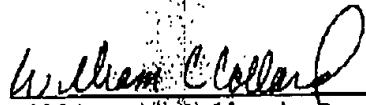
The Applicant hereby acknowledges the interview between attorney William Collard and the Examiner Darren Ark on February 17, 2004. In the interview the Examiner cited additional art to Pfeiffer and Moore.

In this case the applicant believes that the claims as amended are patentable over the above cited references. In particular Claims 15 and 18 both relate to a process for presenting and depositing a base having at least two sets of substantially vertically extending protrusions and substantially horizontally extending protrusions. Pfeiffer discloses a device having channels and vertically extending protrusions but not horizontally extending protrusions. The Applicant believes that Moore does not even disclose protrusions. The applicant believes that claims 15 and 18 have been amended to overcome the references to Pfeiffer and Moore. In addition the Examiner stated that these amendments may require a new search. Therefore the applicant is hereby filing this amendment with a request for continued examination which is enclosed. In addition a three month extension of time is also enclosed.

Accordingly the applicant respectfully requests early allowance of the remaining claims.

Respectfully submitted,

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Enclosure: Request for Continued Examination; 3 Mo. Extension of Time

I hereby certify that this correspondence is being Faxed to Examiner Ark at 703 872-9327 on May 12, 2004


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